

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MICHAEL JASON MILLER

Petitioner,

v.

WARDEN, CORRECTIONAL  
RECEPTION CENTER

Respondent.

Case No. 1:18-cv-424

JUDGE DOUGLAS R. COLE  
Magistrate Judge Litkovitz

**ORDER**

This cause comes before the Court on the Magistrate Judge's May 28, 2020, Report and Recommendation ("R&R"), Doc. 17). The Magistrate Judge recommends that the Court **DENY** the Petition for a Writ of Habeas Corpus (Doc. 1), which asserted a single claim that Petitioner's trial attorney provided ineffective assistance of counsel in violation of the Sixth Amendment. The Magistrate Judge found that the state courts' adjudication of this claim was not "contrary to or an unreasonable application of Supreme Court precedent," (R&R at #323), and thus denied relief.

The R&R advised both parties that failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (*See* R&R at #329). *See also Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate's report to which no objections are filed."); *Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019) (noting "fail[ure] to file an objection to the magistrate judge's R & R ... is forfeiture"); 28 U.S.C.

§ 636(b)(1)(C). Nearly four months have now passed, and Miller has yet to file an objection to the R&R.

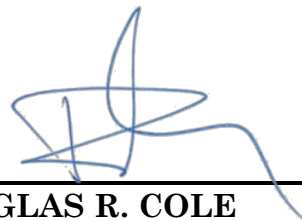
Therefore, the Court **ADOPTS** the Report and Recommendation (Doc. 17) and **DENIES** the Petitioner's Writ of Habeas Corpus. The Court **DIRECTS** the Clerk to enter judgment accordingly.

As reasonable jurists could not disagree with this conclusion, the Court denies Miller a certificate of appealability, and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous.

**SO ORDERED.**

September 22, 2020

**DATE**



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**DOUGLAS R. COLE**  
**UNITED STATES DISTRICT JUDGE**